

REMARKS

Claims 96-143 are pending in the present application. Claims 97-110 and 116-143 have been withdrawn from consideration. By the present Amendment, claims 96, 111, 112, 114 and 115 have been amended. This application continues to include claims 96-143.

The Examiner's comments in the Advisory Action regarding the prior IDS submission on IDS Form SB08a of July 16, 2010, are noted with respect to the identification of the reissue patent, kind code "E". Filed herewith is a new IDS Form SB08a.

Claims 96, 111, 112, 114 and 115 have been amended to provide further distinctions over the cited reference.

Claim 96, as amended, recites, in part, "a housing containing an electric power source and a tension slide connected to the electric power source, wherein the tension slide is configured to be displaced by the electric power source to a cocked position against the action of a first spring, the tension slide being locked in the cocked position by a releasable locking mechanism; ...." Support for the amendment to the housing clause of claim 96 may be found in Applicants' specification, for example, at paragraphs 0092 and 0093.

Claim 96, as amended, further recites, in part, "a biopsy needle unit, comprising a hollow biopsy needle having a sample removal chamber, and a cutting sheath coaxially arranged with the hollow biopsy needle, the cutting sheath having a cutting edge, wherein the biopsy needle unit is arranged on the tension slide; ...." Support for the amendment to the biopsy needle unit clause of claim 96 may be found in Applicants' specification, for example, at paragraph 0075.

Claim 96, as amended, further recites, in part, "a control panel attached to the housing, the control panel having a first control device configured to control the electric power source

to position the tension slide in the cocked position, and the control panel having a second control device configured to release the releasable locking mechanism when the tension slide is in the cocked position such that the tension slide is moved by the first spring away from the cocked position.”

Support for the amendment to the control panel clause of claim 96 may be found in Applicants’ specification, for example, at paragraphs 0067, 0068, 0073 and 0074, and paragraphs 0092-0095, with cocking button 90 corresponding to the first control device and the activation button 88 corresponding to the second control device.

Claim 111, as amended, recites, “The biopsy device according to claim 96, wherein the electric power source includes a DC gear motor, and wherein the tension slide is displaced to the cocked position by rotation of a spindle actuator, the spindle actuator being driven by the DC gear motor with a transmission mechanism drivably coupled to the spindle actuator.” Support for the amendment of claim 111 may be found in Applicants’ specification, for example, at paragraphs 0092 and 0093.

Claim 112, as amended, recites, “The biopsy device according to claim 96, wherein the tension slide is configured to be engaged by the releasable locking mechanism to lock the tension slide in the cocked position.” Support for the amendment of claim 112 may be found in Applicants’ specification, for example, at paragraph 0072.

Claim 114, as amended, recites, “The biopsy device according to claim 96, wherein the electric power source includes a DC gear motor, and a spindle actuator is connected to the cutting sheath, wherein a toothed roller is placed on a take-off shaft of a planet transmission connected to the DC gear motor, the toothed roller being engaged with a gear of the spindle

actuator.” Support for the amendment of claim 114 may be found in Applicants’ specification, for example, at paragraphs 0092 and 0093.

Claim 115, as amended, recites, “The biopsy device according to claim 114, comprising a base block mounted in the housing, the base block having a holder configured to receive a portion of the biopsy needle unit, wherein the gear of the spindle actuator thrusts against the holder of the base block during displacement of the tension slide to the cocked position.” Support for the amendment of claim 115 may be found in Applicants’ specification, for example, at paragraphs 0059 and 0062.

It is respectfully submitted that claims 96 and 111-115 are not anticipated or rendered obvious by Dejter.

The present application is believed to be in condition for allowance in its present form, and it is respectfully requested that the Examiner so find, rejoin the withdrawn claims, and issue a Notice of Allowance in due course.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 50-5242, RONALD K. AUST, P.C.

Should any questions concerning the foregoing arise, the Examiner is invited to contact the undersigned at (317) 894-0801.

Respectfully submitted,

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